

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AGUSTIN PENA-SANCHEZ,

Plaintiff,

-against-

NEW YORK CITY, *et al*,

Defendants.

22-CV-4942 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 11, 2023, the Court directed Plaintiff to file an amended complaint within sixty days, and specified that failure to comply would result in dismissal of the complaint. A copy of the order was mailed to Plaintiff at the address listed on the complaint, but on June 26, 2023, it was returned to the court as undeliverable and unable to be forwarded. Plaintiff has not complied with the Court's order, failed to update his address, and has not communicated with the Court. Accordingly, the complaint, filed *in forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: July 20, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge